

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

BANK OF NEW YORK MELLON F/K/A	:	IN THE SUPERIOR COURT OF
THE BANK OF NEW YORK AS	:	PENNSYLVANIA
TRUSTEE FOR THE BENEFIT OF THE	:	
CERTIFICATE HOLDERS OF THE	:	
CWABS, INC., ASSET-BACKED	:	
CERTIFICATES SERIES 2006-SD3	:	

v.

No. 612 EDA 2024

ANGELA D. MADISON, AND TYRONE
L. MADISON

APPEAL OF: ANGELA D. MADISON

Appeal from the Order Entered January 23, 2024
In the Court of Common Pleas of Philadelphia County
Civil Division at No(s): 120704352

BEFORE: DUBOW, J., KING, J., and SULLIVAN, J.

JUDGMENT ORDER PER CURIAM:

FILED DECEMBER 10, 2024

Angela Madison and Tyrone L. Madison (“The Madisons”) appeal from the order granting an assessment of damages filed by the Bank of New York. We remand, strike the case from the argument list, and deny Bank of New York’s petition for a second extension of time.

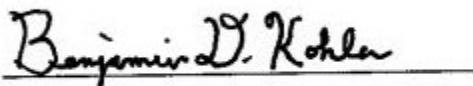
The Madisons raise a series of claims on appeal challenging the trial court’s grant of the Bank of New York’s motion for reassessment of damages. The Madisons assert, *inter alia*, the trial court erred in increasing damages without a hearing. Appellees have not filed an appellate brief.¹ In its Rule

¹ On December 2, 2024, counsel for Bank of New York filed a second petition for extension of time seeking an additional thirty days to file Appellee’s brief.

1925(a) Opinion, the trial court confesses error. It states that Bank of New York's application contained a material omission it had not previously noticed, and the court made "several errors" in granting Bank of New York's motion. The court requests this Court remand the case so that the court may conduct further review and correction. **See** Trial Court Opinion, 8/5/24, at 7. Because Bank of New York has not objected to the trial court's confession of error and request for remand, and did not timely file an appellate brief, we remand to the trial court for further proceedings consistent with the court's Rule 1925(a) opinion.

Case remanded and stricken from argument list. Petition for extension of time denied. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink that reads "Benjamin D. Kohler". The signature is written in a cursive style and is positioned above a solid horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 12/10/2024